A

FAIR VVARNING

FOR

ENGLAND

To take heed of the

RESBYTERIAN GOVERNMENT

OF

SCOTLAND;

s being of all others moſt Injurious to
he Civil Magiſtrate, moſt Oppreſſive
to the Subject, moſt Pernicious to both.

lſo the ſinfulneſſe and wickedneſſe of the
COVENANT, to Introduce that Governe-
ment upon the Church of England.

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of *Armagh*, and Primate
of all *Ireland*.

LUKE 5. 39.

No man having drank old wine ſtraight-way deſireth new, for he ſaith the old is better.

Now reprinted for the good and benefit of all his Majeſties Subjects.

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A FAIRE WARNING,

To take heed of the Presbyterian Government, as being of all others most Injurious to the Civil Magistrate, most Oppressive to the Subject, most Pernicious to both.

CHAP. I.

The Occasion and Subject of this Treatise.

IF the Disciplinarians in *Scotland* could rest contented to dote upon their own inventions, and magnifie at home that *Dia-* 1.
na which themselves have canonized, I should leave them to the best School-Mistris, that is Experience, to feel where their shoe wrings them, and to purchase Repentance. What have I to do with the regulation of forreign Churches, when mine own fingers with snuffing other mens Candles? Let them stand or fall to their own Master: It is charity to judge well of others, and piety to look well to our selves.

But to see those very men who plead so vehemently against all kinds of tyranny, attempt to obtrude their own dreames not only upon their fellow-Subjects, but upon their Sovereigne himself, contrary to the dictates of his own conscience, contrary to all Laws of God and Man, yea to compell forreigne Churches to dance after their pipe, to worship that counterfeit image which they feign to have fallen down from *Jupiter*, and by force of armes to turne their neighbours out of a possession of above 1400 years, to make room for their Trojan horse of Ecclesiasticall Discipline, (A practice never justified in the world but either by the Turk or by the Pope). This put us upon the defensive part. They must not think

that other men are so cowed or grown so tame, as to stand still blowing of their noses, whilst they bridle them and ride them at their pleasure. It is time to let the world see that this Discipline which they so much adore, is the very quintessence of refined Popery, or a greater Tyranny than ever *Rome* brought forth, inconsistent with all forms of civil Government, destructive to all sorts of Policy, a rack to the conscience, the heaviest pressure that can fall upon a people, and so much more dangerous, because by the specious pretence of Divine Institution, it takes away the sight, but not the burden of slavery. Have patience Reader, and I shall discover unto thee more pride and arrogancy through the holes of a thred-bare coat, then was ever found under a Cardinals Cap or a tripple-Crown. All this I undertake to demonstrate, not by some extraordinary practices justified only by the pretence of invincible necessity, (a weak patrociny for generall Doctrine,) not by the single opinions of some Capricious fellows, but by their books of Discipline, by the acts of their generall and provinciall Assemblies, but the concurrent votes and writings of their Commissioners.

I foresee that they will suggest that through their sides I seek to wound forreigne Churches. No, there is nothing which I shall convict them of here, but I hope will be disavowed, though not by all Protestant auctours, yet by all the Protestant Churches in the world. But I must take leave to demand of our Disciplinarians, who it is they brand with the odious name of Erastians, in the Acts of their Parliaments and Assemblies, and in the Writings of their Commissioners, and reckon them with Papists, Anabaptists and Independents; Is it those Churches, who disarme their Presbyteries of the Sword of Excommunication, which they are not able to weeld? so did *Erastus*, or is it those who attribute a much greater power to the Christian Magistrate, in the managery of Ecclesiasticall affairs than themselves? So did *Erastus*, and so do all Protestant Churches. The Disciplinarians will sooner endure a Bishop or a Superintendent to govern them, than the Civill Magistrate. And when the Magistrate shall be rightly informed, what a dangerous edg'd tool their Discipline is, he will ten times sooner admit of a moderate Episcopacy, then fall into the hands of such huckslers.

Syn. Gen. 1647. Declar. Parl. 1648. &c.

If it were not for this Disciplinarian humour, which will not

so lastinde in Religion, but makes each nicity a fundamental, and every private opinion an Article of faith, which prefers particular errours before generall truths. I doubt not but all reformed Churches might easily be reconciled. Before these unhappy troubles in *England*, all Protestants both Lutherans and Calvinists did give unto the English Church the right hand of fellowship; the *Disciplinarians* themselves, though they preferred their own Church as more pure, (else they were hard-hearted) yet they did not, they durst not condemne the Church of *England*, either as defective in any necessary point of Christian Piety, or redundant in any thing that might virtually or by consequence overthrow the foundation.

Witnesse that Letter which their Generall Assembly of *Superintendents, Pastors* and *Elders*, sent by Mr *John Knox* to the *English* Bishops, wherein they stile them Reverend Pastors, fellow-Preachers, and joynt opposers of the Roman Antichrist. They themselves were then far from a party, or from making the calling of Bishops to be Antichristian. Assemb. Gen. Anno. 1556.

But to leave these velitations and come home to the point. I will shew first how this Discipline entrencheth most extreamly upon the right of the civill Magistrate, secondly that it is as grievous and intollerable to the Subject.

CHAP. II.

That this new Discipline doth utterly overthrow the Rights of Magistrates, to convocate Synods, to confirme their Acts, to order Ecclesiasticall Affairs, and reforme the Church within their Dominions.

ALl Princes and States invested with Sovereignty of power, do justly challenge to themselves the right of Convocating *National Synods* of their own Subjects, and ratifying their constitution.

And although pious Princes may tollerate or priviledge the Church to convene within their territories annually or triennially, for the exercise of Discipline, and execution of constitutions already confirmed, (nevertheless we see how wary the Synod of *Dort* was in this particular,) yet he is a Magistrate of straw, that will permit the Church to convene within his territories, whensoever, Can. 50.

whereſoever they liſt, to convocate before them whomſoever they pleaſe, all the Nobles, all the Subjects of the Kingdome, to change the whole Eccleſiaſticall pollicy of a Commonwealth, to alter the Doctrine and Religion eſtabliſhed, to take away the legall Rights and Priviledges of the Subjects, to erect new Tribunals and Courts of Juſtice, to which Sovereigns themſelves muſt ſubmit, and all this of their own heads, by virtue of a pretended power given them from Heaven, contrary to known Laws and lawfull Cuſtoms, the Supreame Magiſtrate diſſenting and diſclaiming. *Synods ought to be called by the Supreame Magiſtrate if he be a Chriſtian* &c. *And either by himſelf, or by ſuch as he ſhall pleaſe to chuſe for that purpoſe, he ought to preſide over them.* This power the Emperours of old did challenge over Generall Councels, Chriſtian Monarchs in the blindneſſe of Popery over Nationall Synods, the Kings of *England* over their *great Councels* of old, and their Convocation of later times. The *Eſtates* of the united Provinces in the *Synod* of *Dort*, this power neither Roman Catholick or Proteſtant in *France* dare deny to his King. None have been more pundo all in this caſe then the State of *Geneva*, where it is expreſly provided, that *no Synod or Preſbytery ſhall alter the Eccleſiaſticall pollicy, or adde any thing to it, without the conſent of the civil Magiſtrate.* Their Elders do not challenge an uncontrolable power as the *Commiſſioners of Chriſt*, but are ſtill called *the Commiſſioners of the Signiory.* The *leſſer Councel* names them with *the advice of the Miniſtery*, (their conſent is not neceſſary) The *great Councel* of 200. doth approve them or reject them. At the end of the year they are preſented to the *Signiory*, who continue them or diſcharge them as they ſee cauſe. At their admiſſion they take an Oath, *to keep the Eccleſiaſticall Ordinances of the civil Magiſtrate.* The finall determination of doctrinall differences in Religion, (after conference of, and with the Eccleſiaſticks,) is *referred to the Magiſtrate.* The Proclamations publiſhed with the ſound of Trumpet regiſtered in the ſame Book, do plainly ſhew, that the ordering of all Eccleſiaſticall affairs, is aſſumed by the *Signiory.*

Bach. cand. S. min. ex decreto fal. The Edit. Gron. 1645. pag. 161.

Les ordinan. Eccleſ. printed at Geneva 1562. pag. 66.

pag. 20.

Pagin. 20.

Pag. 9.

Pag. 11.

But in *Scotland* all things are quite contrary, the civil Magiſtrate hath no more to do with the placing or diſplacing of *Eccleſiaſticall Elders*, than he hath in the *Electoral Colledge*, about the Election of an Emperour. The King hath no more legiſlative

Power

power in Eccleſiaſticall cauſes, than a Cobler, that is a ſingle Vote in caſe he be choſen an Elder, otherwiſe none at all. In *Scotland* Eccleſiaſticall perſons make repeal, alter their Sanctions every day, without conſent of King or Councel. King *James* proclaimed a Parliament to be held at *Edenburgh*, and a little before by his Letter required the Aſſembly *to abſtain from making any Innovations in the Policy of the Church, and from prejudging the deciſions of the States by their concluſions, and to ſuffer all things to continue in the condition they were untill the approaching Parliament.* What did they hereupon? They neglected the Kings Letter, by their own Authority they determined all things poſitively, queſtioned the Arch-Biſhop of St *Andrews* upon their own Canons, *For relating to benefices, and Voting in Parliament*, according to the undoubted Laws of the Land. Yea to that degree of ſawcineſſe they arrived, and into that contempt they reduced Sovereigne Power, that twenty Presbyters (no more at the higheſt, ſometimes but thirteen, ſometimes but ſeven or eight) dared to hold and maintaine a General Aſſembly, (as they miſcalled it,) after it was diſcharged by the King, againſt his Authority, an Inſolence which never any Parliament durſt yet attempt.

Octob. 20. 1597.

Aſſemb. Aberd. 1600.

By their own Authority, long before there was any Statute made to that purpoſe; they aboliſhed all the Feſtivals of the Church, even thoſe which were obſerved in memory of the Birth, Circumciſion, Reſurrection, and Aſcenſion of our Saviour.

1. Book diſc. 1. head.

By their own Authority they decreed the abolition of Biſhops, requiring them *to reſigne their offices, as not having any calling from Gods Word, under pain of Excommunication. And to deſiſt from Preaching, untill they had a new Admiſſion from the Generall Aſſembly.* And to compleate their own folly, added further, that *they would diſpoſe of their poſſeſſions as the Churches Patrimony in the next Aſſembly*, which ridiculous Ordinance was maintained ſtifly by the ſucceeding Synods, notwithſtanding the Statute, that *it ſhould be Treaſon to impugn the Authority of the three Eſtates, or to procure the innovation or diminution of any of them.* Which was made on purpoſe to controll their vain preſumption. Notwithſtanding that themſelves had formerly approved, and as much as in them lay eſtabliſhed Superintendents, Miniſters for terme of life with their numbers, bounds, ſalaries,

Aſſ. Dun. 1580.

Parl. 1584.

1. Book disc. cip. 4. and 6. head.

larger than those of other Ministers, indewed with Episcopall power, to plant Churches, ordaine Ministers, assign Stipends, preside in Synods, direct the censures of the Church, without whom there was no Excommunication. The world is much mistaken concerning Episcopacy in *Scotland*: for though the King and Parliament were compelled by the clamours and impetuous violence of the Presbyters to annex the temporalities of Bishops to the Crown, yet the Function it self was never taken away in *Scotland* from their first conversion to Christianity, untill these unhappy troubles. And these very temporalities were restored by the *Act of restitution*, and their full power was first established *Synodically*, and afterwards confirmed by the three Estates of the Kingdome in Parliament.

Anno. 303.

1606. Act. Glasg. 1610. Parl. Edenb. 1612.

By their own Authority when they saw they could not prevail with all their iterated indeavours and attempts to have their book of discipline ratified, they obtruded it upon the Church themselves, ordaining that *all those who had born, or did then bear any office in the Church, should subscribe it, under pain of Excommunication.*

Act. Edenb. 1590.

By their own Authority, or rather by the like unwarrantable boldness they adopted themselves to be heirs of the Prelates and and other dignities and orders of the Church, suppressed by their tumultuous violence, and decreed that *all tythes, rents, land, oblations, yea whatsoever had been given in former times, or should be given in future times to the service of God, was the Patrimony of the Church; and ought to be collected and distributed by the Deacons, as the Word of God appoints.* That *to convert any of this, to their particular or profane use of any person is detestable Sacriledge before God.* And elsewhere, *Gentlemen, Barons, Earls, Lords, and others must be content to live upon their just rents, and suffer the Kirk to be restored to her Liberty.* What this Liberty is, follows in the same place, *all things given in hospitality, all rents pertaining to Priests, Chanons, Colledges, Chappelries, Frieries of all orders, the Sisters of the Seens, all which ought to be retained still in the use of the Kirk.* Give them but leave to take their breath and expect the rest. *The whole revennes of the temporalities of Bishops, Deans, and Arch-Deans Lands, and all rents pertaining to Cathedrall Kirks.* Then supposing an Objection, that the Possessours had Leases and

2. Book disc. Chap. 9.

1. Book disc. 6. head.

Ibidem.

Ibidem.

Estates

Eſtates, they anſwer, *That thoſe who made them were thieves and murtherers, and had no power to alienate the common Good of the Kirk.* They deſire that all ſuch Eſtates may be anulled and avoided, that all Collectours appointed by the King or others, may be diſcharged from intermedling therewith, and the Deacons permitted to collect the ſame: yea to that height of madneſſe were they come, as to define and determine in their Aſſembly, (judge whether it be not a modeſt conſtitution for a Synod.) *That the next Parliament the Church ſhould be fully reſtored to its Patrimony, and that nothing ſhould be paſt in Parliament untill that was firſt conſidered and approved.* Let all Eſtates take notice of theſe pretenſions and deſigns. If their project have not yet taken effect, it is only becauſe they wanted ſufficient ſtrength hitherto to accompliſh it. Ibidem. Aſſ. Edenb. 1647.

Laſtly by their own Authority, under the ſpecious title of *Jeſus Chriſt, King of Kings, and Lord of Lords, the only Monarch of his Church*, and under pretence of his *Prerogative Royall*, they erected their own Courts and *Preſbyteries* in the moſt parts of *Scotland*, long before they were legally approved or received, as appeareth by their own Act, alledging that *many ſuites had been made to the Magiſtrate for approbation of the Policy of the Kirk, which had not taken that happy effect which good men would crave*: And by another Act acknowledging that *Preſbyteries* were then eſtabliſhed *(Synodically)* in moſt parts of the Kingdome. And laſtly by the Act of another *Generall Aſſembly* at *Edenburg*, ordaining that *the Diſcipline contained in the Acts of the Generall Aſſembly ſhould be kept, as well in* Angus and Mernis *as in the reſt of the Kingdome.* Aſſ. Glaſg. 1581. Aſſ. Edenb. 1590. Aſſ. Edenb. 1591.

You ſee ſufficiently in point of practice how the Diſciplinarians have trampled upon the Laws, and juſtled the civill Magiſtrate out of his Supremacy in Eccleſiaſticall Affaires. My next task ſhall be, to ſhew that this proceeds not from Inanimadvertence or Paſſion, but from their Doctrine and Principles.

Firſt, They teach that no perſons, Magiſtrates nor others, have power *to Vote in their Synods, but only Eccleſiaſticall.* I. 2. Book diſc. Chap. 7.

Secondly, They teach, that Eccleſiaſticall perſons have the ſole power of convening and convocating ſuch Aſſembles, *All Eccleſiaſticall Aſſemblies have power to convene lawfully together, for treating of things concerning the Kirk. They have power to appoint.* 2.

Chap. 12. *point times and places.* Again, *Nationall Assemblies of this Countrey ought alwayes to be retained in their own Liberties, with power to the Kirk to appoint times and places.* Thus they make it a *Liberty*, that is a Priviledge of the Church, a part of its *Patrimony*, not only to convene, but to convocate, whomsoever, whersoever, whereſoever.

3. Thirdly, For point of Power, they teach, that *Synods have the*
Aſſ. Edinb. 1570. *judgement of true and false Religion, of Doctrine, Heresies, &c. the election, admission, suspension, deprivation of Ministers, the determination of all things that pertain to the Discipline of the Church. The judgement of Ecclesiasticall matters, causes beneficiary, matrimoniall and others. Jurisdiction to proceed to excommunication against those that rob the Church of its Patrimony.* They have legislative Power *to make rules and constitutions*
2. Book disc. Chap. 7. *for keeping good order in the Kirk. They have power to abrogate and abolish all Statutes and Ordinances concerning Ecclesiasticall matters, that are found noisome and unprofitable, and*
Chap. 12. *agree not with the time, or are abused by the people. And all this without any Reclamation, or Apellation to any Judge, Civill or Ecclesiasticall.*

2. Book disc. Chap. 1. Fourthly, They teach that they have these priviledges not from the Magistrate or People, or particular Laws of any other Countrey. *The Magistrate can not execute the censures of the Church, nor prescribe any rule how it should be done, but Ecclesiasticall power floweth immediately from God, and from the Mediator Jesus Christ.* And yet further, *The Church cannot be governed*
Theoremata III. imp. Edenb. 1647. decreto Synodi Theor. 4. Theor. 9. *by others, than those Ministers and Stewards set over it by Christ, nor otherwise than by his Laws. And therefore there is no power on earth that can challenge to it self a Command or Dominion upon the Church.* And again, *It is prohibited by the Law of God and of Christ, for the Christian Magistrate to invade the Government of the Church, and consequently to challenge to himself the right of both Swords, spirituall and temporall. And if any Magistrate do arrogate so much to himself, the Church shall have cause to complain and exclaime, that the Pope is changed, but the Papacy remains.* So if Kings and Magistrates stand in their way, they are Political Popes, as well as Bishops are Ecclesiastick.
Thes. 68. Whatsoever these men do, is *in the Name of our Lord Jesus, and by Authority delegated from him alone.*

Lastly,

Lastly, They teach that they have all this Power, not only without the Magistrate, but against the Magistrate, that is, although he dissent, and send out his prohibitions to the contrary, Parliamentary ratifications can no way alter Church Canons concerning the Worship of God. For Ecclesiasticall Discipline ought to be exercised, whether it be ratified by the civill Magistrate or not. The want of a civill Sanction to the Church, is but like *Lucrum cessans*, *non damnum emergens*. As it addes nothing to it, so it takes nothing away from it. If there be any clashing of Jurisdictions, or defect in this kind, they lay the fault at the Magistrates doore. It is a great sinne or wickednesse, for the Magistrate to hinder the exercise, or execution of Ecclesiasticall Discipline. Information from Scotland pag. 17. Theor. 32. Theor. 82.

Now we have seen the pernicious practices of their Synods, with the Doctrines from which they flow; it remains to dispel umbrages, wherewith they seek to hide the uglines of their proceedings and principles from the eyes of the world. We (say they) do give the Christian Magistrate a politicall Power to convocate Synods, to preside in Synods, to ratifie the Acts of Synods, to reform the Church. We make him the keeper of both Tables. Take nothing on hold it fast, here are good words, but they signifie nothing. Trust me whatsoever the Disciplinarians do give to the Magistrate, it is alwayes with a saving of their own stakes, not giving for his advantage, but their own. For they teach that this power of the Christian Magistrate is not private and destructive to the power of the Church but cumulative, and onely auxiliary or assisting. Theor. 99.

Besides the power which they call abusively authoritative, but is indeed ministeriall, of executing their decrees, and contributing to their settlement, they ascribe to the Magistrate concerning the Acts of Synods that which every private man hath, a judgement of discretion, but *they* retain to themselves the judgement of *Jurisdiction*. And if he judge not as they would have him, but suspend in conscience the influence of his politicall power, where they would have him exercise it, they will either teach him another point of Popery, that is an implicite faith, or he may perchance feel the weight of their Church-censures, and find quickly what manner of men they be, as our late Gratious King *Charles*, and before him his Father, his Grandmother, and his

great Grandmother did all to their coſt.

Then in plain Engliſh, what is this politicall Power to call Synods to preſide in Synods, and to ratifie Synods, which theſe good men give to the Magiſtrate, and magnifie ſo much? I ſhall tell the truth. It is a duty which the Magiſtrate ows to the Kirk, when they think neceſſary to have a Synod convocated, to ſtrengthen
Theor. 50, 51. "their ſummons by a civill Sanction, to ſecure them in coming to "the Synod, and returning from the Synod, to provide them "good accommodation, to protect them from dangers, to defend "their Rights and Priviledges. To compel obſtinate perſons by "civill Laws and puniſhments, to ſubmit to their cenſures and de-"crees. What gets the Magiſtrate by all this to himſelf? He may
Ibid. put it all in his eye, and ſee never a whit the worſe. For they "declare expreſly, that neither all the power, nor any part of the "power, which Synods have to deliberate of, or to define Eccle-"ſiaſticall things, (though it be in relation to their own Subjects) "doth flow from the Magiſtrate, but becauſe in thoſe things "which belong to the outward man, (mark the reaſon) the "Church ſtands in need of the help of the Magiſtrate. Fair and "ingennous confeſſion, they attribute nothing to the Magiſtrate, "but only what may render him able to ſerve their own turns, and "ſupply their needs. I wiſh theſe men would think a little more of "the diſtinction, between *habituall* and *actuall* Juriſdiction. As "a School-maſter hath his Licenſe to teach, yet his actuall Juriſdi-"on doth proceed from the Parents of his Scholars. And though "he enjoy a kind of Supremacy among them, he muſt not "think that this extinguiſheth, either his own filiall duty, or "theirs.

Like this power of preſiding politically in Synods is the other power which they give him of reforming the Church, that is when the State of the Church is corrupted, but not when it is pure; they take it for granted, that it is, when the Juriſdiction is in their own hands. "Although godly Kings and Princes, ſometimes
2. Book diſc. Chap. 10. "by their own Authority, when the Kirk is corrupted, and "things out of order, place Miniſters, and reſtore the true ſervice "of the Lord, after the example of ſome godly Kings of Juda "and divers godly Emperours and Kings alſo in the light of the "New Teſtament; yet where the Miniſtry of the Kirk is once "fully conſtituted, and they that are placed, do their office in

"fully, all godly Princes and Magiſtrates ought to hear and obey "their voice, and reverence the Majeſty of the Son of God ſpeak- "ing in them. Leave this jugling; who ſhall judge, when the "Church is corrupted; the Magiſtrates or Church-men? if the "Magiſtrates, why not over you, as well as others? If the Church- "men, why not others as well as you? here is nothing to be an- "ſwered, but to beg the queſtion, that they only are the true "Church. Hear another witneſſe, in evill and troubleſome times, "and in a lapſed ſtate of affairs; when the order inſtituted by God "in the Church, is degenerated to Tyranny, to the trampling up- Theor 84, and 85.
"on the true Religion, and oppreſſing the profeſſors of it, when "nothing is found, the godly Magiſtrate may do ſome things, "which ordinarily are not lawfull, &c. But ordinarily and of "common right, in Churches already conſtituted, if a man flye "to the Magiſtrate complaining that he is injured, by the abuſe "of Eccleſiaſticall Diſcipline, or if the Sentence of the Presbyteries "diſpleaſe the Magiſtrate, either in point of Diſcipline or of Faith, "he muſt not therefore draw ſuch cauſes to a civill tribunall, nor "introduce a politicall Papacy. And as the Magiſtrate hath pow- Ibidem.
"er in extraordinary cauſes, when the Church is wholly corrup- "ted, to reforme Eccleſiaſticall abuſes; ſo if the Magiſtrate ſhall "Tyrannize, over the Church, it is lawfull to oppoſe him, by "certain wayes and meanes, extraordinarily; how ever ordina- "rily not to be allowed. This is plain dealing, the Magiſtrate cannot lawfully reforme them, but in caſes extraordinary; and in caſes extraordinary they may lawfully reforme the Magiſtrate, *by means not to be ordinarily allowed*, that is by force of armes, ſee the principles from whence all our miſeries; and the loſſe of our gratious Maſter, hath flowed; and learn to deteſt them; They *give the Magiſtrate the cuſtody of both Tables*, ſo they do give Theor. 92.
the ſame to *themſelves*, they keep the ſecond Table, by admoniſh- ing him; he keeps the firſt Table by aſſiſting them: they reforme the abuſes, of the firſt Table by ordinary right, of the ſecond Ta- ble extraordinarily. He reforms the abuſes againſt the ſecond Ta- ble, by ordinary right: and the abuſes againſt the firſt Table ex- traordinarily.

"Can the Magiſtrate, according to their learning call the Sy- "nod to an account for any thing they do, can he remedy the er- "rors of a Synod either in Doctrine or Diſcipline? *No, if Magi-* Theor. 97.

ſtrates had power to change, or diminiſh, or reſtraine the Rights of the Church, the Condition of the Church, ſhould be worſe, and their Liberties leſs, under a Chriſtian Magiſtrate, than under an Heathen. For (ſay they) *Parliaments and ſupreame Senats*
Theor. 88. *are no more infallible then Synods, and in matters of Faith and Diſcipline more apt to erre. And again, the Magiſtrate is no*
Theor. 82. *judge of Spirituall cauſes controverted in the Church. And if he decree any thing in ſuch buſineſſes, according to the wiſdome of the fleſh, and not according to the rule of Gods Word, and the wiſdome which is from above, he muſt give an account of it unto God.*

2. Or may the Supreame Magiſtrate oppoſe the execution of their diſcipline practiſed in their Presbyteries, or Synods, by Laws or
Theor. 82. prohibitions? No, *it is wickedneſſe, If he do ſo farre abuſe his Authority, good Chriſtians muſt rather ſuffer extremities, than obey him.*

3. Then what remedy hath the Magiſtrate, if he find himſelf grieved in this caſe? *He may deſire and procure a review in another*
Theor. 90, 92. *Nationall Synod, that the matter may be lawfully determined by Eccleſiaſticall judgement.* Yet upon this condition, *that notwithſtanding the future review, the firſt ſentence of the Synod be executed without delay.* This is one main breach of Popery, and groſſe incrochment upon the right of the Magiſtrate.

CHAP. III.

That this Diſcipline robs the Magiſtrate of the laſt appeals of his Subjects.

2. THe ſecond flows from this. The laſt appeal ought to be to the Supreame Magiſtrate, or Magiſtrates, within his or their Dominions, as to the higheſt Power under God. And where it is not ſo ordered, the Common-wealth can injoy no tranquility, as we ſhall ſee in the ſecond part of this diſcourſe. By the Laws of *England*, if any man find himſelf grieved with the ſentence of conſiſtoriall proceedings of a Biſhop, or of his Officers, he may appeal from the higheſt judicatory of the Church to the King in Chancery, who uſeth in that caſe to grant Commiſſions under the great Seal, to *Delegates* expert in the Laws of the Realme,

have power to give him remedy, and to see Justice done. In *Scotland* this would be taken in great scorn, as an high indignity upon the Commissioners of Christ, to appeal from his *Tribunal*, to the judgement of a mortal man. In the year 1582. King *James* by his Letter by his Messenger, the *Master of Requests*, and by an Herald at Arms, prohibited the *Assembly at Saint Andrews* to proceed in the case of one *Mongomery*, and *Mongomery* himself appealed to *Cæsar*, or to King and Councel. What did our new Masters upon this? They sleighted the Kings Letter, his Messenger, his Herald, rejected the Appeal, as made to an incompetent Judge, and proceeded most violently in the cause. About four years after this, another Synod held at *Saint Andrews*, proceeded in like manner against the Bishop of that See, for Voting in Parliament according to his conscience, and for being suspected to have penned a Declaration, published by the King and Parliament at the end of the Statutes; notwithstanding that he declined their judicature, and appealed to the King and Parliament. When did any Bishops dare to doe such acts? There need no more instances, their Book of *Discipline* it self being so full in the case, *From the Kirk there is no reclamation, or appellation,* to any Judge Civil or Ecclesiastical, within the Realm.

1582. Ass. Saint Andrews, 1582.

Ass. Saint Andrews, 1586.

Chap. IV.

That it exempts the Ministers from due Punishment.

3. Thirdly, If Ecclesiastick Persons in their Pulpits or Assemblies shall leave their Text and proper work to turn Incendiaries, Trumpeters of sedition, stirring up the people to tumults and disloyal attempts in all well-ordered Kingdoms and Commonwealths, they are punishable by the Civil Magistrate, whose proper office it is to take cognizance of Treason and Sedition. It was well said by a King of *France* to some such seditious *Shebna*'s, That if they would not let him alone in their Pulpits, he would send them to preach in another climate. In the *United Provinces* there want not examples of seditious Oratours, who for controlling their Magistrates too sawcily in the Pulpit, have been turned both out of their Churches and Cities, without any fear of wresting *Christs Scepter* out of his hand. In *Geneva* it self, the correction of Ecclesiastical

persons (*qua tales,*) is expresly reserved to the Signiory. So much our *Disciplinarians* have out-done their pattern, as the passionate writings of heady men out-do the calmer decrees of a staid Senate.

Eccl. Ord. p. 14.

But the Ministers of *Scotland* have exempted themselves in this case from all secular judgement, as King *James* (who knew them best of any man living) witnesseth. They said, He was an incompetent *Judge* in such cases, and that *matters of the Pulpit ought to be exempted from the judgement and correction of Princes.* They themselves speak plain enough. It is an absurd thing, that sundry of them, (Commissaries) *having no function of the Kirk, should be Judges to Ministers, and depose them from their rooms.* The reason holds as well against Magistrates as Commissaries. To passe by the sawcy and seditious expressions of Mr *Dury*, Mr *Melvill*, Mr *Cunquell*, and their impunity. Mr *James Gibson* in his Sermon taxed the King for a *Persecutor*, and threatned him with a curse that he should *die childless, and be the last of his race*; for which being convented before the Assembly, and not appearing, he was only suspended during the pleasure of his brethren, (he should have been suspended indeed, that is hanged.) But at another Assembly in *August* following, upon his allegation, that his not appearing was out of his tender care of the Rights of the Church, he was purged from his contumacy, without once so much as acquainting his Majesty.

Decla. 1581.

2 Book disc. chap. 2.

At Edenb. 1587.

The case is famous of Mr *David Blake* Minister of St *Andrews*, who had said in his Sermon, "That the King had discovered the "*treachery of his heart*, in admitting the Popish Lords into the "Countrey. That all Kings were the *Devils barns*, that the Devil was in the Court, and in the guiders of it. And in his prayer "er for the Queen, he used these words, We must pray for her for "fashion sake, but we have no cause, she will never do us any good. "He said, that the Queen of *England* (Queen *Elizabeth*) was "*an Atheist*, that the Lords of the Session were misreants and "bribers, that the Nobility were degenerated, godless, dissemblers, and enemies to the Church, that the Councel were hollow "glasses, Cormorants and men of no Religion. I appeal to all the Estates in *Europe*, what punishment could be severe enough for such audacious virulence? The *English* Ambassadour complained of it; *Blake* is cited before the Councel. The Commissioners of the

Master David Blake, 1596.

the Church plead, *That it will be ill taken, to bring Ministers in question upon such trifling delations, as inconsistent with the liberties of the Church.* They conclude, that a *Declinatour* should be used, and a *Protestation* made against those proceedings, saying, *It was Gods cause, wherein they ought to stand to all hazards.* Accordingly a *Declinatour* was framed and presented. *Blake* desires to be remitted to the Presbytery, as his Ordinary. The Commissioners send the Copie of the *Declinatour* to all the Presbyteries, requiring them for the greater corroboration of their doings, to subscribe the same, and to commend the cause in hand in their private and publick prayers to God, using their best credit with their flocks for the maintenance thereof. The *King* justly incensed herewith, discharged the *Commissioners.* Notwithstanding this *Injunction*, they stay still, and send Delegates to the *King*, to represent the inconveniences that might ensue. The King more desirous to decline their envy, than they his judgement, offers peace. The Commissioners refuse it, and present an insolent Petition, which the King rejects deservedly, and the cause was heard the very day that the Princess *Elizabeth* (now Queen of *Bohemia*) was Christened. The witnesses were produced, Mr *Robert Ponte* in the name of the Church makes a *Protestation*. *Blake* presents a second *Declinatour*. The Councel decree that the cause being treasonable, is competible before them. The good King still seeks peace, sends Messengers, treats, offers to remit: but it is labour in vain. The Ministers answer peremptorily by Mr *Robert Bruce* their Prolocutour, *That the liberty of Christs Kingdom had received such a wound, by usurpation of the Rights of the Church, that if the lives of Mr Blake, and twenty others had been taken, it would not have grieved the hearts of good people so much, as these injurious proceedings.* The King still woos and conferres. At last the matter is concluded, That the King shall make a *Declaration* in favour of the Church, that Mr *Blake* shall only make an acknowledgment to the Queen, and be pardoned: But Mr *Blake* refuseth to confesse any fault, or to acknowledge the King and Councel to be any Judges of his Sermon. Hereupon he is convicted and sentenced *to be guilty of false and treasonable slanders, and his punishment referred to the King.* Still the King treats, makes Propositions unbeseeming his Majesty, once or twice. The Ministers reject them, proclaim a Fast, raise Tumult in *Edenburgh*, Petition, preferre Articles. The King depart-

departeth from the City, removeth his *Courts of Juſtice*, the people repent, the Miniſters perſiſt, and ſeek to engage the Subjects in a *Covenant for mutual Defence*. One Mr *Walſh* in his Sermon tells the people, *That the King was poſſeſſed with a Devil, yea with ſeven Devils*; that *the Subjects might lawfully riſe and take the ſword out of his hands*. The ſeditious encouraged from the Pulpit, ſend a Letter to the Lord *Hamilton* to come and be their General. He nobly refuſeth, and ſheweth their Letter to the King. Hereupon the Miniſters are ſought for to be apprehended, and flie into *England*. The Tumult is declared to be Treaſon by the Eſtates of the Kingdom. I have urged this the more largely (yet as ſuccinctly as I could) to let the world ſee, what dangerous Subjects theſe *Diſciplinarians* are, and how inconſiſtent their principles be, with all orderly Societies.

Chap. V.

That it ſubjects the Supreme Magiſtrate to their Cenſures, &c.

5. FOurthly, They have not onely exempted themſelves in their duties of their own Function from the Tribunal of the Sovereign Magiſtrate or Supream Senate, but they have ſubjected him and them (yea even in the diſcharge of the Sovereign Truſt) to their own Conſiſtories, even to the higheſt Cenſure of Excommunication, which is like the cutting of a member from the body Natural, or the out-lawing of a Subject from the body politick. Excommunication; that very Engine, whereby the Popes of old advanced themſelves above Emperours. *To diſcipline muſt all the Eſtates within this Realm be ſubject; as well Rulers, as they that are ruled.* And elſwhere, *All men, as well Magiſtrates, as Inferiours, ought to be ſubject to the judgement of General Aſſemblies.* And yet again, *No man that is in the Church, ought to be exempted from Eccleſiaſtical Cenſures.* What horrid and pernicious miſchiefs do uſe to attend the Excommunication of Sovereign Magiſtrates, I leave to every mans memory or imagination. Such conſ.s make great Kings become cyphers, and turn the tenure of a Crown Copy-hold, *ad voluntatem Dominorum*. Such Doctrines might better become ſome of the *Roman Alexanders*, or *Bonifaces*, or *Gregories*, or *Pius Quintus*, than ſuch great Profeſſors

1 Book diſc. 7. head.

2 Book diſc. Chap. 12. Theor. 8.

of Humility, ſuch great diſclaimers of Authority, who have inveighed ſo bitterly againſt the Biſhops for their uſurpations. This was never the practice of any orthodox Biſhop. St *Ambroſe* is miſtaken, what he did to *Theodoſius* was no act of Eccleſiaſtical juriſdiction, but of Chriſtian diſcretion. No, he was better grounded. *David* ſaid, *Againſt thee onely have I ſinned, becauſe he was a King.* Our *Diſciplinarians* abhorre the name of *Authority*, but hugge the thing, their profeſſion of *Humility*, is juſt like that Cardinals hanging up of a Fiſhers Net in his Dining-room, to put him in mind of his diſcent, but ſo ſoon as he was made Pope he took it down, ſaying, *The Fiſh was caught now, there was no more need of the Net.*

CHAP. VI.

That it robs the Magiſtrate of his Diſpenſative Power.

Fifthly, All ſupreame Magiſtrates do aſſume to themſelves a power of pardoning offences and offenders, where they judge it to be expedient. He who believes that the Magiſtrate cannot with a good conſcience diſpence with the puniſhment of a penitent malefactour, I wiſh him no greater cenſure, than that the penall Laws might be duly executed upon him, untill he recant his errour. But our Diſciplinarians have reſtrained this diſpenſative power, in all ſuch crimes as are made capitall by the judiciall Law, as in the caſe of Bloud, Adultery, Blaſphemy, *&c.* "in which caſes, they "ſay the offender ought to ſuffer death, as God hath commanded. "And, If the life be ſpared, as it ought not to be to the offenders, "*&c.* And, the Magiſtrate ought to preferre Gods expreſſe com- "mandment before his own corrupt judgement, eſpecially in pu- "niſhing theſe crimes which he commandeth to be puniſhed with "death. When the then Popiſh Earls of *Angus*, *Huntley*, and *Erroll*, were excommunicated by the Church, and forfeited for treaſonable practices againſt the King, it is admirable to read with what wiſdome, and charity, and ſweetneſſe his Majeſty did ſeek from time to time to reclaime them from their errours, and by their unfeigned converſion to the reformed Religion to prevent their puniſhment. Wherein he had the concurrence of two Conventions of Eſtates, the one at *Falkland*, the other at *Dumfermling*. And on the other ſide to ſee with what bitterneſſe and radicated malices they were proſecuted by the Presbyteries, and their

5

1 Book dic. head 9.

Ibid.

Act. Edenb. 1594. Par. Ed. 1594.

Commiſſioners, ſometimes Petitioning, That *they might have the benefit of Law, as being excommunicated*, Sometimes threatning that *they were reſolved to purſue them to the uttermoſt, though it ſhould be with the loſs of all their lives in one day. That if they continued enemies to God and his Truth, the Country ſhould not brook both them and the Lords together.* Sometimes preſſing to *have their Eſtates confiſcated, and their lives taken away.* Alledging for their ground, that *by Gods Law they had deſerved death.* And when the King urged that the boſom of the Church ſhould be ever open to penitent ſinners, they anſwered, That *the Church could not refuſe their ſatisfaction, if it was truly offered, but the King was obliged to do juſtice.* What do you think of thoſe that roar out, *Juſtice, Juſtice*, now adayes, whether they be not the right ſpawn of theſe Bloud-ſuckers, Look upon the examples of *Cain, Eſau, Iſhmael, Antiochus*, Antichriſt, and tell me, if you ever find ſuch ſupercilious, cruel, bloud-thirſty perſons, to have been pious towards God, but their Religion is commonly "like themſelves, ſtark naught, Curſed be their anger for it was
Gen. 49. 7. "fierce, and their wrath, for it was cruel.

Theſe are ſome of thoſe incroachments which our Diſciplinarians have made upon the rights of all Supreame Magiſtrates, there be ſundry others, which eſpecially concerne the Kings of *Great Brittain*, as the loſſe of his tenths, firſt-fruits, and patronage, and which is more than all theſe, the dependence of his Subjects; by all which we ſee, that they have thruſt out the Pope indeed, but retained the Papacy. The Pope as well as they, and they as well as the Pope, (neither barrel better Herrings,) do make Kings but half Kings, Kings of the bodies, not of the ſouls of their Subjects: They allow them ſome ſort of judgement over Eccleſiaſtical perſons, in their civill capacities, for it is little (according to their rules) which ever is not Eccleſiaſticall, or may not be reduced to Eccleſiaſticall. But over Eccleſiaſtick perſons, as they are Eccleſiaſticks, or in Eccleſiaſticall matters, they aſcribe unto them no judgment in the world. "They ſay it cannot ſtand with the Word "of God, that no Chriſtian Prince ever claimed, nor can claime "to himſelf ſuch a power, If the Magiſtrate will be contented to wave his Power in Eccleſiaſticall matters, and over Eccleſiaſticall perſons, (as they are ſuch,) and give them leave to do what they liſt, and ſay what they liſt in their Pulpits, in their Conſiſtories, in their

Vindication of Commiſſioners Jap. 6. 1648.

their Synods, and permit them to rule the whole Commonwealth, in order to the advancement of the Kingdome of Christ. If he will be contented to become a ſubordinate Miniſter to their Aſſemblies, to ſee their decrees executed, then it may be they will become his good Maſters, and permit him to injoy a part of his civill power. When Sovereigns are made but acceſſaries, and inferiours do become principals, when ſtronger obligations are deviſed, than thoſe of a Subject to his Sovereign, it is time for the Magiſtrate to look to himſelf, theſe are prognoſticks of inſuing ſtorms, the avant curriers of ſeditious tumults. When Supremacy lights into ſtrange and obſcure hands, it can hardly contain it ſelf within any bounds. Before our Diſciplinarians be well warmed in their Eccleſiaſticall Supremacy, they are beginning, or rather they have already made a good progreſſe in the invaſion of the temporall Supremacy alſo.

CHAP. VII.

That the Diſciplinarians cheat the Magiſtrate of his Civill Power in order to Religion.

6

THat is their ſixt incroachment upon the Magiſtrate, and the verticall point of Jeſuitiſm, Conſider firſt how many civil cauſes they have drawn directly into their Conſiſtories, and made them of Eccleſiaſticall cogniſance, as *fraud in bargaining, falſe weights and meaſures, oppreſſing one another*, &c. and in the caſe of Miniſters, *bribery*, perjury, theft, fighting, uſury, *&c.* 1 Book diſc. 7 head. 2 Book diſc. Chap. 7.

Secondly, Conſider that all offences whatſoever are made cognoſcible in their Conſiſtories, in caſe of ſcandall, yea even ſuch as are puniſhable by the civill Sword with death: If the civill Sword "fooliſhly ſpare the life of the offender, yet may not the "Kirk be negligent in their office, which is to excommunicate the "wicked.

Thirdly, They aſcribe unto their Miniſters a liberty and power to direct the Magiſtrate, even in the Managerie of civill Affairs: "To governe the Commonwealth, and to eſtabliſh civill Laws is "proper to the Magiſtrate: To interpret the Word of God, and "from thence to ſhew the Magiſtrate his duty, how he ought to "governe the Commonwealth, and how he ought to uſe the "Sword, is comprehended in the office of the Miniſter, for the "holy Scripture is profitable to ſhew what is the beſt governement 1 Book diſc. 2 head and Theor. 63. Theor. 47, 48.

"of the Commonwealth. And again all the duties of the ſecond
"Table as well as the firſt, between King and Subject, Parents and
Vindicat. com. p. 6. "Children, Husbands and Wives, Maſters and ſervants, &c. are
"in difficult caſes a ſubject of cogniſance and judgement to the
"Aſſemblies of the Kirk. Thus they are riſen up from a judgment
of direction, to a judgement of Juriſdiction, And if any perſons,
Magiſtrates or others, dare act contrary to this judgement of the
Solemn acknowledgement. Octob. 6 1648. Aſſembly, (as the Parliament and Committee of Eſtates did in *Scotland*, in the late expedition) they make it to be an unlawfull in-
"gagement, a ſinfull War, contrary to the Teſtimonies of Gods
"ſervants, and decree the parties ſo offending, to be *ſuſpended*
"*from the communion, and from their offices in the Kirk.* I confeſſe Miniſters do well to exhort Chriſtians to be careſull, honeſt,
induſtrious in their ſpeciall callings: but for them to meddle pragmatically with the myſteries of particular Trades, and much more
with the myſteries of State, which never came within the compaſſe
of their ſhallow capacities, is a moſt audacious inſolence, and an
inſufferable preſumption. They may as well teach the Pilot how
to ſteer his courſe in a tempeſt, or the Phyſitian how to cure the diſtempers of his patient.

But their higheſt cheat is that Jeſuiticall invention, *(in ordine ad ſpiritualia,)* they aſſume a power in worldly affairs indirectly,
Theor. of vindication. p. 84. and in order to the advancement of the Kingdome of Chriſt. *The Eccleſiaſticall Miniſtry is converſant ſpiritually about civill things.* Again *muſt not duties to God whereof the ſecuring of Religion is a main one, have the Supreame and firſt place, duties to the King a ſubordinate and ſecond place?* The caſe was this. The Parliament levied forces to free their Kings out of priſon. A meer civill duty. But the Commiſſioners of the Aſſembly declare againſt it, unleſſe the King will firſt give aſſurance under hand and ſeal by ſolemne oath, that he will eſtabliſh the Covenant, the Presbyterian Diſcipline, *&c.* in all his Dominions, and never indeavour any change thereof, leaſt otherwiſe his liberty might bring *their bygone proceedings* about the League and Covenant into queſtion,
Humble advice Edenb. June 10. 1648. there is their power *in ordine ad ſpiritualia.* The Parliament will
"reſtore to the King his negative voice. A meer civill thing. The
vindication. p. 8. "Commiſſioners of the Church oppoſe it, becauſe of the great
"dangers that may thereby come to Religion. The Parliament
name Officers and Commanders for the Army. A meer civil thing.

The

The Church will not allow them, becauſe they want ſuch qualifications as Gods word requires, that is to ſay in plain terms, becauſe they were not their confidents. Was there ever Church challenged ſuch an omnipotence as this? Nothing in this world is ſo civil or political, wherein they do not intereſt themſelves, in order to the advancement of the kingdom of Chriſt.

Upon this ground their Synod enacted, that no Scotiſh mer- Aſſ. Dumb. 1593.
'chants ſhould from thenceforth traffique in any of the dominions
'of the King of Spain, until his Majeſty had procured from that
'King ſome relaxation of the rigour of the Inquiſition, upon pain
'of excommunication. As likewiſe that the Munday market at *Edenburgh* ſhould be aboliſhed, It ſeems they thought it miniſtered ſome occaſion to the breach of the Sabbath. The Merchants petitioned the King to maintain the liberty of their trade, He grants their requeſt but could not protect them, for the Church proſecuted the poor merchants with their cenſuers, untill they promiſed to give over the Spaniſh trade, ſo ſoon as they had perfected their accounts, and payed their Creditors in thoſe parts.

But the Shoemakers, who were moſt intereſted in the Munday markets with their tumults and threatenings compelled the Miniſters to retract, whereupon it became a jeſt in the City, that the *Sowters could obtain more at the Miniſters hands than the King*. So they may meddle with the *Spaniſh* trade or Munday markets, or any thing in order to Religion.

Upon this ground they aſſume to themſelves a power to ratifie Acts of Parliament, So the aſſembly at *Edenburgh* enacted, That the Acts made in the Parliament at *Edenburgh* the 24 of *Auguſt* 1560, (without either Commiſſion or Proxie from their Sovereign,) touching Religion, *&c.* ſhould have the force of a publick Law: Aſſ. Edenb. 1597.
'And that the ſaid Parliament, ſo far as concerned Religion, ſhould
'be maintained by them, *&c.* and be ratified by the firſt Parialment
'that ſhould happen to be kept within the Realm. See how bold they make with Kings and Parliaments, in order to Religion. I cannot omit that famous ſummons which this Aſſembly ſent out, not
'onely to entreat, but to *admoniſh all perſons* truly profeſſing the
'Lord Jeſus within the Realm, as well Noble-men as Barons and thoſe of other eſtates, to meet and give their perſonal appearance at *Edenburgh* the 20 of Iuly enſuing, for giving their advice and concurrence in matters then to be proponed, eſpecially for purg-

ing the Realm of Popery, eſtabliſhing the policy of the Church, and reſtoring the patrimony thereof to the juſt poſſeſſours. Aſſuring ſuch as did abſent themſelves that they ſhould be eſteemed diſſimulate profeſſours, unworthy of the fellowſhip of Chriſts flock, who thinks your Scotiſh Diſciplinarians know not how to ruffle it?

Upon this ground they aſſume a power to abrogate and invalidate Laws and Acts of Parliament, if they ſeem diſadvantagious to the Church. Church Aſſemblies have power to abrogate and abolish all ſtatutes and ordinances concerning Eccleſiaſtical matters, that are found noyſom and unprofitable, and agree not with the times, or are abuſed by the people. So the Acts of Parliament 1584. at the very ſame time that they were proclamed, were proteſted againſt at the market croſſe of *Edenburgh* by the Miniſters in the name of the Kirk of *Scotland*. And a little before, whatſoever be the Treaſon of impugning the authority of Parliament, there can be no Treaſon to obey God rather than man. Neither did the General aſſembly of *Glaſgow* 1638, *&c.* commit any treaſon when they impugned Epiſcopacy, and Perth-Articles, although ratified by Acts of Parliament, and ſtanding laws then unrepealed. He ſaith ſo far true, than we ought rather to obey God than man, that is, to ſuffer when we cannot act; but to impugn the authority of a lawfull Magiſtrate, is neither to obey God nor man. God commands us to die innocent rather than live nocent, they teach us rather to live nocent than die innocent. Away with theſe ſeeds of ſedition, theſe rebllious principles, Our Maſter Chriſt hath left us no ſuch warrant, and the unſound practiſe of an obſcure Conventicle no ſafe patern. The King was ſurprized at *Ruthen* by a company of Lords and other conſpirators; this fact was as plain Treaſon as could be imagined, and ſo it was declared; (I ſay declared not made) in Parliament. Yet an Aſſembly Generall (*no man gaine ſaying*) did juſtify that Treaſon in order to Religion as good and acceptable ſervice to God, their Soveraign, and native Country, requiring the Miniſters in all their Churches to commend it to the people, and exhort all men to concurre with the actors, as they tendred the glory of God, the full deliverance of the Church, and perfect reformation of the Commonwealth, threatning all thoſe who ſubſcribed not to their judgement with Excommunication. We ſee this is not the firſt time that Diſciplinarian Spectacles have made abominable Treaſon to ſeem Religion, if it ſerve for the advancement

2 Book diſc. ch. 7.

Vindiction pag. 11. & p. 20.

1582.

1583.

Aſſ. Edenb. 1582.

vancement of the good Cauſe. And if were well if they could reſt here, or their zeale to advance their Eccleſiaſticall Soveraignty, by force of Armes, and effuſion of Chriſtian blood, would confine it ſelf within the limits of *Scotland*: No, thoſe bounds are too narrow for their pragmaticall ſpirits: And for buſie Biſhops in other 'mens Dioceſſes, ſee the Articles of *Sterling*, That the ſecuring and 'ſetling Religion at home, and promoting the work of Reformati- 'on abroad, in *England* and *Ireland*, be referred to the determina- 'tion of the General Aſſembly (of the Kirk) or their Commiſſio- ners. What, is old *Edenburgh* turned new *Rome*, and the old Preſbyters young Cardinals, and their Conſiſtory a Conclave, and their Committees a Juncto for propagating the faith? Themſelves ſtand moſt in need of Reformation; If there be a mote in the eye of our Church, there is a beam in theirs. Neither want we at home God be praiſed, thoſe who are a thouſand times fitter for learning, for piety, for diſcretion, to be reformers, then a few giddy innovators. This I am ſure, ſince they undertook our cure againſt our wills, they have made many fat Church-yards in *England*. Nothing is more civill, or eſſentiall to the Crowne, then the Militia, or power of raiſing Armes: Yet we have ſeen in the attempt at *Ruthen*, in their Letter to the Lord *Hamilton*, in their Sermons, what is their opinion. They inſinuate as much in their Theorems, *It is lawfull to reſiſt the Magiſtrate by certain extraordinary wayes or meanes, not to be ordinarily allowed.* It were no difficult task out of their private Authors, to juſtifie the barbarous acts that have been committed in *England*. But I ſhall hold my ſelfe to their publike actions and records. *A mutinous company of Citizens forced the gates of Halyrood-houſe, to ſearch for a Prieſt, and plunder at their pleaſure. M.* Knox *was charged by the Councell to have bin the author of the ſedition; and further, to have convocated his Majeſties Subjects by Letters miſſive when he pleaſed.* He anſwered, that he was no preacher of Rebellion, but taught people to obey their Princes in the Lord; [I feare he taught them likewiſe, that he and they were the competent judges what is obedience in the Lord.] He confeſſed *his convocating of the Subjects by vertue of a command from the Church, to advertiſe the brethren when he ſaw a neceſſity of their meeting, eſpecially if he perceived Religion to be in perill.* Take another inſtance, The Aſſembly having received an anſwer from the King, about the tryall of the Popiſh Lords, not

Sept. 27. 1648. Ar. 3.

Theor. 84.

Ann. 1562.

Aſſ. Edenburg. 1593.

to

to their contentment, resolve all to convene in Armes at the place 'appointed for the tryall; whereupon some were left at *Edenburgh* to give timely advertisement to the rest. The King at his 'return gets notice of it, calls the Ministers before him, shewes 'them what an undutifull part it was in them to levy Forces, and 'draw his Subjects into Armes without his warrant. The Ministers pleaded, *That it was the cause of God, in defence whereof they could not be deficient.* This is the Presbyterian wont, to subject all causes and persons to their Consistories, to ratifie and abolish civill Lawes, to confirm and pull down Parliaments, to levy Forces, to invade other Kingdoms, to do any thing respectively to the advancement of the good cause, and in order to Religion.

Chap. VIII.

That the Disciplinarians challenge this exorbitant Power by Divine Right.

Behold both Swords spirituall and temporall in the hands of the Presbytery, the one ordinarily by common right, the other extraordinarily; the one belonging directly to the Church, the other indirectly; the one of the Kingdom of Christ, the other for his Kingdom, in order to the propagation of Religion. See how these *hocas pocases* with stripping up their sleeves and professions of plain-dealing, with declaiming against the tyranny of Prelates, under the pretense of humility and Ministeriall duty, have wrested the Scepter out of the hand of Majesty, and jugled themselves into as absolute a Papacy, as ever was within the walls of *Rome*. O Saviour, behold thy Vicars, and see whither the pride of the servants of thy servants is ascended. Now their Consistories are become the *Tribunalls of Christ*. That were strange indeed! Christ hath but one Tribunall, his Kingdome is not of this world. Their determinations passe for the *Santence of Christ*. Alas there is too much fiction, and passion, and ignorance in their Presbyteries. Their Synodall Acts go for the *Lawes of Christ*. His Lawes are immutable, mortall man may not presume to alter them, or to adde to them; but these men are chopping and changing their constitutions every day. Their Elders must be looked upon as the *commissioners of Christ*. It is impossible! *Geneva* was the first City where this discipline was hatched; though since it hath lighted into hucksters hands. In those dayes they magnified the platform of *Geneva*, for the *pattern* sake

in the mount. But there, the Presbyters at their admiſſion take an oath, to obſerve the Eccleſiaſticall Ordinances of the ſmall, great, and generall Councels of th t City. Can any man be ſo ſtupid, as to think, that the high Commiſſioners of Chriſt ſwear fealty to the Burgers of *Geneva*? Now forſooth their Diſcipline is become the *Scepter of Chriſt, the Eternall Goſpel.* (See how ſucceſſe exalts mens deſires and demands.) In good time, where did this Scepter lye hid for 1500 yeers, that we cannot finde the leaſt foorſteps of it in the meaneſt village of Chriſtendom? This world drawes towards an end; was this diſcipline fitted and contrived for the world to come? Or how ſhould it be the Eternal Goſpel? When every man ſees how different it is from it ſelf, in all Presbyterian Churches, adapted and accommodated to the civill policy of each particular place where it is admitted, except only *Scotland*, where it comes in like a Conqueror, and makes the Civill Power ſtoop and ſtrike topſaile to it. Certainly, if it be the Goſpel, it is the fifth Goſpel, for it hath no kindred with the other foure. There is not a Text which they wreſt againſt Epiſcopacy, but the Independants may with as much colour of reaſon, and truth, urge it againſt their Presbyteries. Where doth the Goſpel diſtinguiſh between temporary and perpetuall Rulers? Between the Government of a perſon, and of a corporation? There is not a Text which they produce for their Presbytery, but may with much more reaſon be alledged for Epiſcopacy, and more agreeable to the *analogie of faith*, to the perpetuall practice and belif of the Catholick Church, to the concurrent Expoſitions of all Interpreters, and to the other Texts of holy Scripture; for untill this new modell was yeſterday deviſed, none of thoſe Texts were ever ſo underſtood. When the practiſe uſhers in the doctrine, it is very ſuſpicious, or rather evident, that the Scripture was not the rule of their reformation, but their ſubſequent excuſe. This (*jure devino*) is that which makes their ſore incurable, themſelves incorrigible, that they father their own brat upon God Almighty, and make this Muſhrome which ſprung but up the other night, to be of heavenly deſcent. It is juſt like the doctrine of the Popes infallibility, which ſhuts the door againſt all hope of remedy. How ſhould they be brought to reform their errors, who beleeve they cannot erre, or they be brought to renounce their drowſy dreams, who take it for granted, that they are divine revelations!

An. 1596. And yet when that wiſe Prince, King *James*, a little before the Nationall Aſſembly at *Perth*, publiſhed in print 55 Articles or Queſtions, concerning the uncertainty of this Diſcipline, and the vanity of their pretended plea of *divine right*, and concerning the errours and abuſes crept into it, for the better preperation of all men to the enſuing Synod, that Miniſters might ſtudy the point beforehand, and ſpeak to the purpoſe; they who ſtood effected to that way were extremely perplexed. To give a particular account, they knew well it was impoſſible; but their chiefeſt trouble was, that their foundation of *divine right*, which they had given out all this while to be a ſolid rock, ſhould come now to be queſtioned for a ſhaking quagmire. And ſo without any oppoſition they yeelded the bucklers. Thus it continued untill theſe unhappy troubles, when they ſtarted aſide again like broken bowes. The plant thrives better in the midſt of tumults, then in the times of peace and tranquillity. The Elme which ſupports it, is a factious multitude, but a prudent and couragious Magiſtrate nips it in the bud.

Chap. IX.

That this Diſcipline makes a monſter of the Commonwealth.

WE have ſeen how pernicious this Diſcipline (as it is maintained in *Scotland*, and endeavoured to be introduced into *England* by the Covenant,) is to the ſupreme Magiſtrate, how it robs him of his Supremacy in Eccleſiaſticall affaires, and of the laſt appeals of his own Subjects, that it exempts the Presbyters from the power of the Magiſtrate, and ſubjects the Magiſtrate to the Presbyters, that it reſtraines his diſpenſative power of pardoning, deprives him of the dependance of his Subjects, that it doth challenge and uſurp a power paramount both of the word and of the Sword, both of Peace and War, over all Courts and Eſtates, over all Laws Civill and Eccleſiaſticall, in order to the advancement of the Kingdom of Chriſt, wherof the Presbyters alone are conſtituted rulers by God, and all this by a pretended divine right, which takes away all hope of remedy, untill it be hiſſed out of the world; in a word, that it is the top-branch of Popery, a greater tyranny then ever *Rome* was guilty of. It remains to ſhow how diſadvantagious it is alſo to the Subject.

Firſt, to the Common-wealth in generall, which it makes a Monſter

Monſter, like an Amphiſhbaina, or a Serpent with two heads, one at either end. It makes a coordination of Soveraignty in the ſame Society, two ſupermes in the ſame Kingdom or State, the one Civill, the other Eccleſiaſticall, then which nothing can be more pernicious, either to the conſciences, or the eſtates of Subjects, when it falls out (as it often doth) that from theſe two heads iſſue contrary commands, *If the Trumpet give an uncertain ſound, who ſhall prepare himſelf to the battel?* Much more when there are two Trumpets, and the one ſounds an Alarm, the other a Retreat. What ſhould the poor Souldier do in ſuch a caſe? or the poor Subject in the other caſe? If he obey the Civill Magiſtrate; he is ſure to be excommunicated by the Church; if he obey the Church, he is ſure to be impriſoned by the Civill Magiſtrate; What ſhall become of him? I know no remedy, but according to *Solomons* ſentence, the living Subject muſt be divided into two, and the one half given to the one, and the other half to the other. For the Oracle of Truth hath ſaid, that *one man cannot ſerve two maſters*. But in *Scotland* every man muſt ſerve two Maſters, and (which is worſe) many times diſagreeing Maſters. At the ſame time the Civill Magiſtrate hath commanded the Feaſt of the Nativity of our Saviour to be obſerved, and the Church hath forbidden it. At the ſame time the King hath ſummoned the Biſhops to ſit and Vote in Parliament, and the Church hath forbidden them.

1 Cor. 1. 8.

1 Kings 3. 25.

In the year 1582. *Monſieur-le-mot*, a Knight of the Order of the Holy Ghoſt, with an aſſociate, were ſent Ambaſſadours from *France* into *Scotland*; The Miniſters of *Edenburgh* approving not his Meſſage, (though meerly Civill,) inveigh in their Pulpits bitterly againſt him, calling his *White Croſſe the badge of Antichriſt, and himſelf the Ambaſſadour of a Murtherer*. The King was aſhamed, but did not know how to help it; The Ambaſſadours were diſcontented, and deſired to be gone: The King willing to preſerve the ancient Amity between the two Crownes, and to diſmiſſe the Ambaſſadours with content, requires the Magiſtrates of *Edenburgh* to feaſt them at their departure; ſo they did; But to hinder this feaſt, upon the Sunday preceding, the Miniſters proclame a Faſt to be kept the ſame day the Feaſt was appointed; and to detaine the people all day at Church; the three Preachers make three Sermons, one after another without intermiſſion, thundring out curſes againſt the Magiſtrates and Noblemen which waited upon the Am-

1582.

Febr. 16.

At Saint Giles Church.

baſſadors by the Kings appointment. Neither ſtayed they here, but purſued the Magiſtrates with the cenſures of the Church, for not obſerving the Faſt by them proclaimed; and with much difficulty were wrought to abſtaine from Excommunicating of them; which cenſure, how heavy it falls in *Scotland*, you ſhall ſee by and by. To come yet neerer, the late Parliament in *Scotland* injoyned men to take up Armes for delivery of their King out of priſon; The Commiſſioners for the Aſſembly diſallowed it; and at this preſent how many are chaſed out of their Country? How many are put to publike repentance in ſackcloth? how many are excommunicated, for being obedient to the Supreme Judicatory of the Kingdom, that is, King and Parliament? Miſerable is the condition of that people where there is ſuch claſhing and interfereing of Supreme Judicatories and Authorities. If they ſhall pretend that this was no free Parliament: Firſt, they affirm that which is not true; either that Parliament was free, or what will become of the reſt? Secondly, this plea will advantage them nothing; for (which is all one with the former) thus they make themſelves Judges of the validity or invaidity of Parliaments.

CHAP. X.

That this Diciplineis moſt prejudiciall to the Parliament.

FRom the Eſſentiall body of the Kingdom we are to proceed to the repreſentative body, which is the Parliament. We have already ſeen, how it attributes a power to Nationall Synods to reſtrain Parliaments, and to abrogate their Acts, if they ſhall judge them prejudiciall to the Church. We need no other inſtance, to ſhew what ſmall account Presbyteries do make of Parliaments, then the late Parliament in *Scotland*. Not withſtanding that the Parliament had declared their reſolution *to levy forces vigorouſly, and that they did expect as well from the Synods and Presbyteries, as from all other his Majeſties good Subjects, a ready obedience to the commands of Parliament, and Committee of Eſtates.* "The Commiſſioners of the Aſ- Memb. 38.
"ſembly not ſatisfied herewith, do not onely make their propo-
"ſalls, that the grounds of the Warre and the breaches of the
"Peace might be cleared, that the union of the Kingdoms
"might be preſerved, that the popiſh and prelaticall party
"might be ſuppreſſed, that his Majeſties offers concerning Re-
"gion might be declared unſatisfactory, that before his Majeſties
"reſtitution to the exerciſe of his Royall power, he ſhall ſub-
"ſcribe

"engage himſelf by ſolemn Oath under his hand and Seal, to paſſe "Acts for the ſettlement of the Covenant and Presbyterian "Government in all his Dominions, &c. And never to oppoſe them, or endeavour the Change of them, (An uſurer will truſt a bankrupt upon eaſier tearms, then they will do their Soveraign,) and lastly, that ſuch perſons onely might be intruſted, as had given them no cauſe of jealouſie, (which had been too much, and more then any Aſtates in *Europe* will take in good part from half a dozen Miniſters.) But afterwards by their publick *Declaration to the whole Kirk and Kingdom*, ſet forth that not being *ſatisfied in theſe particulars*, they do *plainly diſſent* and diſagree, and declare that they are *clearly perſwaded in their conſciences, that the Engagement is of dangerous conſequence to true Religion, prejudiciall to the Liberty of the Kirk, favourable to the Malignant party, inconſiſtent with the union of the Kingdom; Contrary to the word of God and the Covenant, wherefore they cannot allow either Miniſters or any other whatſoever to concurre and cooperate in it, and truſt that they will keep themſelves free in this buſineſſe, and chooſe affliction rather then iniquitie.* And to ſay the Truth, they made their word good. For by their power over the Church-men, and by their influence upon the people, and by threatening all thoſe who engaged in that action with the cenſures of the Church, they retarded the Levies, they deterred all preachers from accompanying the Army to do divine offices. And when Saint *Peters* keyes would not ſerve the turn, they made uſe of Saint *Pauls* ſword, and gathered the countrey together in arms at *Machleene-Moore* to oppoſe the expedition. Declar.

So if the high court of Parliament will ſet up *Persbytery*, they muſt reſolve to introduce an higher court then themſelves, which will overtop them for eminency of authority, for extent of power, and greatneſſe of priviledges, that is, a Nationall Synod.

Firſt for authority, the one being acknowledged to be but an humain convention, the other affirmed confidently to be a divine inſtitution. The one ſitting by vertue of the Kings writ, the other by vertue of Gods writ. The one as Councellers of the Prince, the other as Ambaſſadours and Vicars of the Sonne of God. The one as Burgeſſes of Corporations, the other as Commiſſioners of Jeſus Chriſt. The one judging by the law of the land, the other by the holy Scriptures. The one taking care for this temporall life, the other for eternall life.

Secondly for power, as *Curtius* saith, *ubi multitudo superstitione capta est, melius vatibus [suis quam ducibus paret*, where the multitude is led with superstition, they do more readily obey their Prophets then their Magistrates. Have they not reason? Pardon us O Magistrate, thou threatenst us with prison, they threaten us with hell fire. Thy sentence deprives us of civill protection, and the benefit of the law, so doth theirs indirectly, and withall make us strangers to the common-wealth of Israel. Thou canst outlaw us, or horn us, and confiscate our estates, their keyes do the same also by consequence, and moreover deprive us of the prayers of the Church, and the comfortable use of the blessed Sacrament. Thou canst deliver us to a Pursevant, or commit us to the Black Rod, they can deliver us over to Sathan, and commit us to the prince of darknesse.

Thirdly for priviledges, the priviledges of Parliament extend not to treason, felony, or breach of peace, but they may talke treason, and act treason in their pulpits and Synods without controlment. They may securely commit not onely *petilarcin*y but *Burglary*, and force the dores of the pallace Royall. They may not onely break the peace, but convocate the Subjects in armes, yea give warrant to a particular person, to conveen them by his letters missives, according to his discretion, *in order to religion*. Of all which we have seen instances in this discourse. The priviledges of Parliaments are the Graces and Concessions of man, and may be taken away by humane Authority, but the priviledges of Synods they say are from God, and cannot without Sacriledge be taken away by mortall man. The two Houses of Parliament cannot name Commissioners to sit in the intervalls, and take care *ne quid detrimenti capiat respublica*, that the Common-wealth receive no prejudice; But Synods have power to name vicars Generall, or Commissioners, to sit in the intervalls of Synods, and take order that neither King nor Parliament nor people do incroach upon the Liberties of the Church. If there be any thing to do, they are (like the fox in *Æsops* fables,) sure to be in at one end of it.

Chap. XI.

That this Discipline is oppressive to particular persons.

Scot Lait. pag. 57, 58.

1 Book dis. 7. head.

TOwards particular persons this Discipline is too full of rigour, like *Dracos* lawes that were written in blood. First in lesser faults, inflicting Church censures upon slight grounds, As for

uncom-

uncomely gesture, for a vain word, for suspition of covetousnesse or pride, for superfluity in raiment, either for cost or fashon, for keeping a table above a mans calling or means, for dancing at a wedding, or of servants in the streets, for wearing a mans hair *a la mode*, for not paying of debts, for using the least recreation upon the Sabbath, though void of scandall, and consistent with the duties of the day. I wish they were acquainted with the practise of all other Protestant Countries. But if they did but see one of those kirmesses which are observed in some places, the pulpit, the consistory, the whole Kingdom would not be able to hold them. What digladiations have there been among some of their sect about starch and cuffes, &c. just like those grave debates which were sometimes among the *Franciscans*, about the colour and fashion of their gowns? They do not allow men a latitude of discretion in any thing. All men, even their Superiours must be their slaves or pupils. It is true they begin their censures with admonition, and if a man will confesse himself a delinquent, be sorry for giving the Presbyters any offence, and conform himself in his hair, apparrell, diet, every thing, to what these rough hewen *Cato's* shall prescribe, he may escape *the stool of repentance*, otherwise they will proceed against him for contumacy, to Excommunication.

Secondly this discipline is oppressive in greater faults. The same man is punished twice for the same crime, first by the Magistrate according to the lawes of God and the land, for the offence; then by the censures of the Church for the scandall. To this agrees their Synod, *Nothing forbids the same fault in the same man to be punished one way by the politicall power, another way by the Ecclesiasticall; by that under the formallity of a crime with Corporall or pecuniary punishment, by this under the formallity of scandall with spirituall censures.* And their book of discipline, *If the civill sword foolishly spare the life of the offender, yet may not the Kirk be negligent in their office.* Thus their Liturgy in expresse termes, *All crimes which by the law of God deserve death, deserve also excommunication*, Yea though an offender abide an assise, and be absolved by the same, yet may the Church injoyn him *publick satisfaction*. Or if the Magistrate shall not think fit in his judgement, or cannot in conscience prosecute the party upon the Churches intimation, *the Church may admonish the Magistrate publickly*. And if no remedy be found, excommunicate the offender, *first for his crime*,

Theor. 63.

1 Book 9 head Pag. 44.

Scot. Lit. 48.

47.

crime, and then for being suspected to have corrupted the judge. Observe first that by hook or crook they will bring all crimes what ever, great and small, within their Jurisdiction. Secondly observe that a delinquents triall for his life is no sufficient satisfaction to these third *Cato's*. Lastly, observe that to satisfie their own humor, they care not how they blemish publickly the reputation of the Magistrate upon frivolous conjectures.

Thirdly, adde to this which hath been said, the severity and extreame rigour of their Excommunication, after which sentence no "person (his wife and family onely excepted) may have any kinde "of conversation with him that is excommunicated, they may not "eate with him, nor drink with him, nor buy with him, nor sell "with him, they may not salute him, nor speak to him, [except "it be by the license of the *Presbytery*,] His children begotten "and born after that sentence, and before his reconciliation to "the Church, may not be amitted to baptisme, untill they be of "age to require it, or the mother or some speciall frind being a "member of the Church present the childe, obhorring and damn-"ing the iniquity and obstinate contempt of the Father. Adde further that upon this sentence letters of horning (as they use to call them in *Scotland*) do follow of course, that is an outlawing of the praty, a confiscation of his goods, a putting him out of the Kings protection, so as any man may kill him, and be unpunished; yea, the party excommunieate is not so much *as cited to hear those fatall Letters granted.* Had not *David* reason to pray, Let me fall into the hands of the Lord, not into the hands of men, for their mercies are cruell. Cruill indeed, that when a man is prosecuted for his life, prehaps justly, prehaps, unjustly, so as appearing and hanging are to him in effect the same thing; yet if he appear not, this pitifull Church will Excommunicate him for contumacy: *Whether the offender be convict in judgement, or be fugitive from the Law, the Church ought to proceed to the sentence of Excommunication*; as if the just and evident fear of death did not purge away contumacy.

1 Book dis. 7. head.

94. Articl. 1599.

Scot. Lit. 47

CHAP. XII.

That this Discipline is hurtfull to all orders of men.

LAstly, this Discipline is burthensome and disanvantagious to all orders of men. The Nobility and Gentry must expect to follow the fortune of their Prince. Vpon the abatement of Monar-

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chy in *Rome*, remember what diſmall controverſies did preſently ſpring up between the *Patricii* and *Plebei*. They ſhall be ſubjected to the cenſures of a raw heady novice, and a few ignorant Artificers; they ſhall loſe all their advowſons of ſuch Benefices as have cure of ſoules, as they have lately found in *Scotland*, for *every Congregation ought to chooſe their own Paſtour*. They ſhall hazard their Appropriations and Abby-lands: A Sacrilege which their Nationall Synod cannot in conſcience tolerate, longer than they have ſtrength ſufficient to overthrow it. And if they proceed as they begin, the Presbyters will in a ſhort time either accompliſh their deſigne, or change their ſoyle. They ſhall be bearded and baited by every ordinary Prisbyter, witneſſe that inſolent ſpeech of M. *Robert Bruce* to King *James*, *Sir, I ſee your reſolution is to take Huntley in favour; if you doe, I will oppoſe; You ſhall chooſe whether you will loſe Huntley or me; for us both you cannot keep.* It is nothing with them for a pedant to put himſelfe into the ballance with one of the prime and moſt powerfull peers of the Realme.

The poor Orthodox Clergy in the meane time ſhall be undone, their ſtraw ſhall be taken from them, and the number of their bricks be doubled: They ſhall loſe the comfortable aſſurance of an undoubted ſucceſſion by Epiſcopall Ordination, and put it to a dangerous queſtion, whether they be within the pale of the Church: They ſhall be reduced to ignorance, contempt, and beggery; They ſhall loſe an ancient Liturgy, (warranted in the moſt parts of it by all, in all parts of it, by the moſt publick formes of the Proteſtant Churches, whereof a ſhort time may produce a parallel to the view of the world,) and be enjoyned to prate and pray non-ſence everlaſtingly. For howſoever formerly they have had a Liturgy of their own, as all other Chriſtian Churches have at this day; yet now it ſeems they allow no prayers, but extemporary. So ſaith the informarion from *Scotland*, *It is not Lawfull for a man to tye himſelf, or be tyed by others, to a perſcript form of words in prayer and exhortation.* Motus Britanici. 1, 2

Parents ſhall loſe the free diſpoſition of their own children in "marriage if the childe deſire an husband or a wife, and the pa- "rent gainſtand their requeſt, and have no other cauſe than the "common of men have, to wit lack of goods, or becauſe the other 1 Book of K. 2 Book.

"party is not of birth high enough, upon the childes desire, the Minister is to travail with the parents, and *if he finde no just cause to the contrary, may admit them to marriage. For the work of God ought not to be hindered by the corrupt affections of worldly men.* They who have stripped the father of their Countrey of his just right, may make bold with fathers of families, and will not stick to exclude all other fathers, but themselves out of the fifth Commandement. The doctrine is very high, but their practise is yet much more high, The *Presbyteries* will compell the wrongest parent to give that childe as great a portion as any of his other children.

It will be ill newes to the Lawyers to have the moulter taken away from their Mills upon pretence of scandall, or in order to Religion, to have their sentences repealed by a Synod of Presbyters, and to receive more prohibitions from Ecclesiasticall Courts, than ever they sent thither.

1 Book dis. 3 head. *All Masters and mistresses of families, of what age or condition soever, must come once a year before the Presbyter, with their housholds, to be examined personally whether they be fit to receive the Sacrament, in respect of their knowledge, and otherwise. And if they suffer their children or servants to continue in wilfull ignorance (what if they cannot help it?) they must be excommunicated.* It is probable, the persons catechised could often better instruct their Catechists.

The common people shall have an High-Commission in every parish, and groan under the Arbitrary decrees of ignorant inexperienced Governours, who know no Law but their own will, who observe no order but what they list; from whom lyes no appeale but to a Synod, which for the shortnesse of its continuance can afford, which for the condition of the persons will afford them little relief. If there arise a private jar between the parent and the child, or the husband and the wife, these domesticall Judges must know it, and censure it.

Scire volunt secreta domus, atque inde timeri

And if there have been any suit or difference between the Pastor and any of his flock, or between Neighbour and Neighbour, be sure it will not be forgotten in the sentence. The practice of our

Law

Law hath been, that a Judge was rarely permitted to ride a circuit in his owne countrey, leaſt private intereſt or reſpects might make him partiall. Yet a Country is much larger than a Pariſh, and a grave learned Judge is preſumed to have more temper than ſuch homebred fellowes. Thus we ſee what a *Pandoras* box this prepended holy Diſcipline is, full of manifold miſchiefes, and to all orders of men moſt pernicious.

Chap. XIII.

That the Covenant to introduce this Diſcipline is void and wicked, with a ſhort Concluſion.

But yet the conſcience of an Oath ſticks deep. Some will plead, that they have made a Covenant with God, for the introduction of this Diſcipline. Oaths and Vowes ought to be made with great judgement and broken with greater. My next task therefore muſt be to demonſtrate this clearly, that this Covenant is not binding, but meerly void, and not onely void but wicked; ſo as it is neceſſary to break it, and impious to obſerve it.

The firſt thing that cracks the credit of this new Covenant is, that it was deviſed by ſtrangers, to the diſhonour of our Nation, impoſed by Subjects, who wanted requiſite power upon their Soveraign and fellow-ſubjects, extorted by juſt feare of unjuſt ſufferings. So as I may truly ſay of many who took this Covenant, that they ſinned in pronouncing the words with their lips, but never conſented with their hearts to make any vow to God.

Again, errour and deceite make thoſe things voluntary to which they are incident, eſpcially when the errour is not meerly negative by way of concealement of truth, when a man knowes not what he doth, but poſitive, when he beleeves he doth one thing, and doth the clean contray, and that not about ſome inconſiderable accidents, but about the ſubſtantiall conditions. As if a Phyſitian, either out of ignorance or malice, ſhould give his Patient a deadly poyſon under the name of a cordiall, and bind him by a ſolemn oath to take it, the Oath is void, neceſſary to be broken, unlawfull to be kept; if the patient had known the truth, that it was no cordiall, that it was poyſon, he would not have ſworn to take it. Such an errour there is in the Covenant with a

witneſſe, to gull men with a ſtrange, unknown, lately devised platforme of Diſcipline, moſt pernicious to the King and Kingdome, as if it were the very inſtitution of Chriſt, of high advantage to the King and Kingdome, to gull them with that Covenant which King *James* did ſometimes take, as if that and this were all one, whereas that Covenant iſſued out by the Kings Authority, this Covenant without his Authority, againſt his Authority; that Covenant was for the Lawes of the Realm, this is againſt the Lawes of the Realm; that was to maintain the Religion eſtabliſhed, this to overthrow the Religion eſtabliſhed: But becauſe I will not ground my Diſcourſe upon any thing that is diſputable, either in matter of *Right*, or *Fact*; And in truth, becauſe I have no need of them, I forgive them theſe advantages, onely with this gentle *memento*, That when other forraign Churches, and the Church of *Scotland* it ſelfe (as appeares by their publike Liturgy uſed in thoſe dayes) did ſue for aid and aſſiſtance from the Crown and Kingdom of *England*, they did not go about to obtrude their owne Diſcipline upon them, but left them free to chooſe for themſelves.

The grounds which follow are demonſtrative; Firſt, no man can diſpoſe that by vow, or otherwiſe, either to God or man, which is the right of a third perſon without his conſent: Neither can the inferiour oblige himſelf to the prejudice of his Superiour, contrary to his duty, without his Superiours allowance: God accepts no ſuch pretences, to ſeem obſequious to him, out of the undoubted right of another perſon. Now the power of Armes, and the defence of the Lawes, and protection of the Subjects by thoſe Armes, is by the Law of *England* clearly inveſted in the Crowne. And where the King is bound in conſcience to protect, the Subject is bound in conſcience to aſſiſt. Therefore every Engliſh Subject owes his Armes and his Obedience to his King, and cannot diſpoſe them as a free gift of his owne; nor by any act of his whatſoever diminiſh his Soveraigns right over him, but in thoſe things wherein by Law he owes ſubjection to his Prince, he remaineth ſtill obliged, notwithſtanding any Vow or Covenant to the contrary; eſpecially when the ſubject and ſcope of the Covenant is againſt the konwn Lawes of the Realm. So as without all manner of doubt, no Divine or

Learned

Learned Caſuiſt in the world diſſenting: This Covenant is either void in it ſelf, or at leaſt voided by his Majeſties Proclamation, prohibiting the taking of it, and nullifying its obligation.

Secondly, It is confeſſed by all men that, that an Oath ought not to be the bound of iniquity, nor doth oblige a tranſgreſſour. The golden rule is, *in malis promiſſis reſcinde fidem, in turpi voto muta decretum*, To obſerve a wicked engagement doubles the ſinne: Nothing can be the matter of a Vow or Covenant, which is evidently unlawfull. But it is evidently unlawfull for a Subject or Subjects to alter the Lawes eſtabliſhed by force, without the concurrence, and againſt the commands of the Supreme Legiſlator, for the introduction of a forraign Diſcipline. This is the very matter and ſubject of the Covenant. Subjects vow to God, and ſwear one to another to change the Lawes of the Realm, to aboliſh the Diſcipline of the Church, and the Liturgy lawfully eſtabliſhed, by the Sword, (which was never committed to their hands by God or man,) without the King, againſt the King, which no man can deny in earneſt to be plain rebellion. And it is yet the worſe, that it is to the main prejudice of a third order of the Kingdom, the taking away whoſe rights without their conſents, without making them ſatisfaction, cannot be juſtified in point of conſcience, (Yea though it were for the greater convenience of the Kingdom, as is moſt falſely pretended,) And is harder meaſure than the Abbots and Friers received from *Henry* the eight, or than either Chriſtians or Turkes do offer to their conquered enemies.

Laſtly a ſupervenient oath or covenant either with God or man, cannot take away the obligation of a juſt oath precedent. But ſuch is the Covenant, a ſubſequent oath, inconſiſtent with, and deſtructive to a precedent oath, that is the oath of Supremacy, which all the Church-men throughout the Kingdome, all the Parliament men at their admiſſion to the houſe, all perſons of quality throughout *England* have taken. The former oath acknowledgeth the King to be the *onely ſupreame* head, (that is civill head to ſee that every man do his duty in his calling,) and Governour of the Church of *England*, The ſe-

cond oath or covenant, to set up the *Presbyterian* Gouernment as it is in *Scotland*, denieth all this virtually, maks it a politicall papacy, acknowledgeth no governors but onely the *Presbyters*. The former oath gives the King the supream power over all persons, in all causes, The second oath gives him a power over all persons, (as they are subjects,) but none at all in Ecclesiasticall causes, This they make to be sacrilledge.

By all which it is most apparent, that this Covenant was neither free nor deliberate, nor valide. nor lawfull, nor consistent with our former oathes, but inforced, deceitfull, invalid, impious, rebellious, and contradictory to our former ingagements, and consequently obligeth no man to performance, but all men to repentance. For the greater certainty whereof I appeale, upon this stating of the case, to all the learned Casuists and Divines in *Europe*, touching the point of common right; And that this is the true state of the case, I appeal to our adversaries themselves. No man that hath any spark of ingenuity will denie it. No English-man who hath any tolerable degree of judgement, or knowledge in the laws of his countrey, can denie it, but at the same instant his conscience must give him the lie.

They who plead for this rebellion, dare not put it to a triall at law, they doe not ground their defence upon the lawes, but either upon their own groundlesse jealosies and fears, of the Kings intention to introduce Popery, to subvert the lawes, and to enthrall the people. This is to run into a certain crime, for fear of an uncertain.

They who intend to pick quarrels, know how to feign suspicions. Or they ground it upon the successe of their arms. or upon the Soveraigne right of the people, over all lawes and Magistrats, whose Representatives they create themselves, whilest the poor people sigh in corners, and dare not say their soul is their own, lamenting their former folly, to have contributed so much to their own undoing.

Or lastly upon Religion, the cause of God, the worst plea of all the rest, to make God accessary to their treasons, murthers, covetousnesse, ambition. Christ did never authorise Subjects to plun

plant Christian Religion, much lesse their own fancticall dreames, or fantasticall devises, in the blood of their Soveraigne, and fellow subjects.

Speak out, is it lawfull for Subjects to take up arms against their Prince meerly for Religion? or is it not lawfull? If ye say it is not lawfull, ye condemn your selves, for your Covenant testifieth to the world, that ye have taken up armes, meerly to alter Religion, and that ye bear no Allegiance to your King, but onely in order to Religion, that is in plain terms, to to your own humours and conceits. If ye say it is lawfull, ye justifie the Independents in *England*, for supplanting your selves, ye justifie the *Anabaptists* in *Germany*, *John* of *Leyden* and his cure. Ye break down the banks of Order, and make way for an inundation of bloud and confusion in all Countreys. Ye render your selves justly odious to all Christian Magistrates, when they see, that they owe their safety not to your good wills, but to your weakness, that ye want sufficient strength to cut their throats. This is fine doctrine for *Europe*, wherein there is scarce that King or State, which hath not Subjects of different opinions and communions in Religion. Or lastly if ye say, it is lawfull for you to plant that which ye apprehend to be true Religion, by force of arms, but it is not lawfull for others to plant that which they apprehend to be true Religion by force, because yours is the Gospel, theirs is not. *Tying the question*, and make your selves ridiculously partiall by your overweening opinion, worse than that of the men of *China*, as if yee onely had two eyes, and all the rest of the world were stark blind. There is more hope of a fool, then of him that is wise in his own eyes.

I would to God we might be so happy as to see a Generall Councell of Christians, at least a Generall Synod of all Protestants, and that the first Act might be to denounce an *Anathema Maranatha*, against all brochers and maintainers of seditious principles, to take away the scandall which lyes upon Christian Religion, and to shew that in the search of piety, we have not lost the principles of humanity. In the mean time, let all Christian Magistrates, who are principally

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concerned, beware how they ſuffer this Cockatrice
be hatched in their Dominions. Much more how t
for Baal, or *Baal-Berith*, the Baalims of the Cov
were worth the inquiring, whether the marks of
do not agree as eminently to the Aſſembly Generall
land, as either to the Pope, or to the Turk; Th
plainly, that they ſpring out of the ruines of
Magiſtrate, they ſit upon the Temple of God, and
vance themſelves above thoſe whom holy Scriptur
Gods.

FINIS.